

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-cv-00122-MR-WCM

JUAN OSPINA,

Plaintiff,

v.

HORD SERVICES, INC.;
ARTHUR SERVICES, INC.;
HSI LAND CLEARING, LLC;
HSI LAND DEVELOPMENT, LLC;
HORD'S CONTAINER SERVICE LLC
(*f/k/a Hord Brothers LLC*), and
DWAYNE HORD, *an individual*,

Defendants.

ORDER

This matter is before the Court on a Motion to Dismiss filed by Defendants Hord Services, Inc., Arthur Services, Inc., HSI Land Clearing, LLC, and Dwayne Hord (the "Motion to Dismiss," Doc. 8).

By Order filed on October 24, 2022, Plaintiff was granted leave to file an Amended Complaint. Doc. 19.

Plaintiff filed an Amended Complaint on October 27, 2022. Doc. 20.

"The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect." Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended

complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) (“It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot”).

IT IS THEREFORE ORDERED that Defendants’ Motion to Dismiss (Doc. 8) is **DENIED AS MOOT**. This denial is without prejudice to the filing of any motions challenging the Amended Complaint, if appropriate.

Signed: October 28, 2022



W. Carleton Metcalf
United States Magistrate Judge

